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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,906	01/28/2005	Uwe Lasebnick	17102/012001	9453
22511	7590	09/07/2006	EXAMINER	
OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010				BOECKMANN, JASON J
ART UNIT		PAPER NUMBER		
		3752		

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SJR

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/523,906	LASEBNICK, UWE
	Examiner Jason J. Boeckmann	Art Unit 3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 June 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 1/28/2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure to produce flat, curved or conical jet forms and the jet forms themselves, of claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear as to which inlets are being claimed in line 10 and in line 11. Are these inlets the “at least two inlets” of the receiving device from line 7 of the claim, or are they inlets to the nozzle insert (50 and 52) as shown in figure 2b?

In claims 3 and 4, it is unclear as to which inlet is being referred to in line 2 of both claims. Is the “at least one inlet” one of the “at least two inlets” of the receiving device of claim 1, line 7, or one of the inlets to the nozzle insert (50 or 52) as shown in figure 2b? In addition, the phrase, “one or more of at least one of,” is not understood. It is believed that the applicant means to simply state, “at least one of a flat, curved or conical jet form can be produced” (see drawing objection).

Regarding claims 5, 6, 9 and 10, it is unclear as to which inlets are being referred to. Are they the “at least two inlets” of the receiving device from line 7 of the claim, or are they inlets to the nozzle insert (50 and 52) as shown in figure 2b?

Regarding claim 15, it is unclear as to which inlets are being claimed in line 8 and in line 9. Are these inlets the “at least two inlets” of the receiving device from line 7 of the claim, or are they inlets to the nozzle insert (50 and 52) as shown in figure 2b?

In claims 16 and 17, it is unclear as to what is meant by the “the first output” and “the other output,” in lines 2 and 3 of the claims. Are these the at least two outputs of the valve, or are they a different, not yet claimed, first output and another output?

Regarding claims 19, 20, 21 and 25, the limitation, “the conveying pump” appears to have no antecedent basis in the claims. In claim 15, lines 11 and 12, the conveying pump is not positively recited. Therefore, it is unclear if the conveyer pump is being claimed or not.

In claim 22, it is unclear as to which inlet is being claimed in line 2. Is this inlet one of the “at least two inlets” of the receiving device from line 5 of claim 15, or is it one of the nozzle insert inlets (50 or 52) as shown in figure 2b? In addition, claim 22 does not end with a period.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 12, 13, 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Murawa (6,402,052).

Murawa shows a nozzle for a washing system for vehicle windscreens comprising a nozzle body (100), a receiving device (101), provided in the nozzle body, to which a nozzle insert (120a, 120b) is inserted, the receiving device includes at least two inlets (122a, 12b) for the cleaning liquid. The nozzle further includes a valve (valve housing 111, includes valve members 116a and 116b) disposed within the nozzle body (100) that controls the liquid flow through the at least two inlets (122a, 122b), and the nozzle insert (120a, 120b) influences a jet from a liquid jet leaving the nozzle coming from one inlet in a different manner from another inlet.

In regards to claims 2, 3, 4 and 22, the nozzle body (100) can be fitted with different nozzle inserts to produce various types of jets well known in the art (column 2, lines 57-8).

With respect to claims 5 and 6, the nozzle (100) blocks the cleaning liquid coming from inlet 122b when the cleaning liquid is flowing through inlet 22a. Also the cleaning liquid from one inlet (122a) does not mix with the cleaning liquid from the other inlet (122b).

In regards to claims 12 and 13, the inlets (122a, 122b) are perpendicular to the main jet direction of the jet forms to be produced (108a, 108b), and the nozzle insert (120a, 120b) has essentially a cuboid shape.

In regards to claim 7, the nozzle insert (120a, 120b) together with at least one wall of the receiving device (101) facing the insert forms a chamber (108a, 108b), which influences the cleaning liquid.

In regards to claims 15-17 and 19, Murawa shows a valve (valve housing 111, includes valve members 116a and 116b), which can be controlled via the pressure of the cleaning liquid (column 5 lines 13-5), that is arranged in the nozzle body (100). The valve has one input (the end of hose 124), which can be connected to a conveying pump (125), via a line (124), and at least two outputs (103a, 103b), wherein each output is connected to an inlet (122a, 122b) of the receiving device. When a low pressure is applied, the valve connects the main input to the first output (103a) and/or to the other output (103b). When high pressure is applied, the valve connects the main input to the other (103b) or to the first output (103a).

In regards to claims 18, 23 and 24, in the basic position, the valve separates the input from all outputs.

With respect to claims 20, 21 and 25, the conveying pump delivers the cleaning liquid in a controlled manner with varying pressure (column 5, lines 14-7), in which the pressure variation is controlled as a function of the vehicle speed (column 5, lines 46-50 and column 6, lines 15-8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052) in view of Berning et al (US 2003/0234303).

Murawa shows all the elements of the applicant's invention except for the nozzle insert having whirl chambers, formed together with at least one wall of the receiving device and each connected to separate inlets. However, Berning et al shows a nozzle insert (18) that forms a chamber (28, 30), which influences and/or guides the cleaning liquid. The chamber is a whirl chamber and is connected to an inlet (42) and has at least one jet guide to a nozzle opening (figure 2a). The nozzle insert (18) has a whirl chamber with a jet guide on one side (26), on the other side, opposite the first side, it has a second whirl chamber with a second jet guide (24), wherein the first whirl chamber (26)

is connected to a first inlet (42) and the second whirl chamber (24) is connected to a second inlet (44). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the nozzle insert of Berning et al for that of Murawa in order to include the whirl chambers to atomize the cleaning liquid. With regards to claim 14, Berning's et al nozzle insert (18) is made of plastic and in particular is produced in a molding process (paragraph, 0042 lines 5-8).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052) in view of Yoshida et al (6,082,636).

Murawa as set forth in claim 1, shows all the elements of the applicants invention except for the nozzle insert having a breakaway edge for producing a flat jet. However, Yoshida et al shows a breakaway edge (12a) that water is directed towards and a flat jet is produced. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the breakaway edge of Yoshida et al to the nozzle insert of Murawa in order to produce a flat jet and spray a larger area on the windscreen.

### ***Response to Arguments***

Applicant's arguments filed 6/23/2006 have been fully considered but they are not persuasive.

Regarding the applicant's argument of the 102(b) rejection, Murawa does show one valve, with one inlet (the hose 124) and two outlets (103a and 103b), which controls the flow of liquid through the outlets. The valve of Murawa includes a housing 111 and

two valve members, 116a and 116b, and is controlled via the pressure of the liquid in the hose 124.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJB JJB 9/5/06



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